

HOUSE BILL 3938

By Hill

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 6; Title 40, Chapter 35 and Title 40, Chapter 39, relative to offenses involving invasion of privacy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-607, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1) A violation of this section is a fine only Class E felony where the victim of the offense is an adult.

(2) A violation of this section is a fine only Class E felony, with a six thousand dollar (\$6,000) maximum, where the victim of the offense is thirteen (13) years of age or older but less than eighteen (18) years of age.

(3) A violation of this section is a fine only Class E felony, with a ten thousand dollar (\$10,000) maximum, where the victim of the offense is thirteen (13) years of age or less.

(4) A third or subsequent violation of this section, regardless of the age of the victim, is a Class E felony.

(5) In addition to the punishment otherwise provided for in this subsection, the court shall require a person convicted of violating this section to undergo psychological counseling to determine the cause of and enable the person to prevent this type of unacceptable and dangerous conduct in the future. The counseling shall be at the expense of the person violating this section and shall continue until the court is satisfied that the counseling has served its intended purpose. The court may require the counselor to submit periodic reports

detailing the progress of the counseling. The knowing failure of the person to attend and complete the counseling sessions shall be treated as contempt of court.

SECTION 2. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following new subdivision (ix) to subdivision (17)(A) and by renumbering accordingly:

(ix) Observation without consent under § 39-13-607;

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.